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November 27, 2006

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To: Jamila O. Williams, Examiner**Firm:** MAIL STOP AMENDMENT
Commissioner for Patents**Fax Number:** 571-273-8300**Client Number:** STD 1222 PA/41213.596**Pages:** 3
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Applicants : Vidler et al.
Serial No. : 10/822,386
Filed : April 12, 2004
Title : DATA CARRIER FOR HEALTH RELATED
INFORMATION
Docket : STD 1222 PA/41213.596
Examiner : Jamila O. Williams
Art Unit : 3722
Conf. No. : 2855

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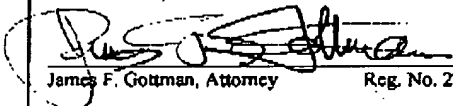
OFFICIAL***OFFICIAL*****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Application of**

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Commissioner for Patents
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I hereby certify that this paper is being facsimile
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571/273-8300) on November 27, 2006.


James F. Gottman, Attorney

Reg. No. 27,262

Sir:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

This is responsive to the Office Communication of November 3, 2006, in which the Examiner required election to a single disclosed species for prosecution on the merits. The Examiner indicated that claim 13, as currently presented, is deemed generic. The Examiner identified six patentably distinct species as those shown in Fig. 1, Fig. 2, Fig. 3, Fig. 4, Fig. 5, and Figs. 6 - 8.


In response to this requirement, applicants elect the species of Fig. 6, with the election being made with traverse. Claims covering the species of Fig. 3 are identified as claims 1, 2, 4, 6, 13, and 15.

Serial No. - 10/822,386
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The election is made with traverse because applicants believe that the claims are directed to a single, patentable invention. As the Examiner indicates, claim 13 is generic to all of the species. Upon allowance of claim 13, the Examiner will be required to withdraw the restriction requirement and examine claims to all of the species. Not to examine the species at this juncture, when only a reasonable number of species are presented and when a generic claim is presented, will unduly extend prosecution. The reasonable number of claims in this application, and the limited number of species disclosed in this application, suggest that there would not be a serious burden on the Examiner if all of the species were examined together at the outset. Proceeding with this fashion will unduly burden the applicants with extended prosecution, and may delay the issuance of the instant application. In view of the submission of what applicants believe to be a patentable generic claim, the Examiner should at least treat all of the claims in an initial office action and require election among species only in the event that the generic claim is determined to be unpatentable.

Respectfully submitted,

DINSMORE & SHOHL L.L.P.

By 
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